

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
09-CR-55A

GLANCE ROSS,

Defendant.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1). On February 12, 2010, defendant filed a motion to dismiss counts 3 and 4 of the indictment [Dkt. No. 89]. On May 14, 2010, defendant filed a motion to suppress evidence obtained pursuant to electronic surveillance [Dkt. No. 102] and also a motion to suppress evidence obtained from a search of a safe deposit box [Dkt. No. 101].

On December 14, 2010, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion to suppress evidence obtained pursuant to electronic surveillance [Dkt. No. 102] be denied. On January 7, 2011, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion to suppress search of a safe deposit box [Dkt. No. 101] be denied. On January 7, 2011 Magistrate Judge Schroeder also filed a Report and Recommendation recommending that defendant's motion to dismiss counts 3 and 4 of the indictment [Dkt. No. 89] be denied.

Defendant filed objections to the Reports and Recommendations and the government filed responses thereto. Oral argument on the objections was held on May 6, 2011.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendations to which objections have been made. Upon a de novo review of the Report and Recommendations, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendations.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendations, defendant's motion to suppress evidence obtained pursuant to electronic surveillance [Dkt. No. 102] is denied; defendant's motion to suppress evidence obtained from a search of a safe deposit box [Dkt. No. 101] is denied; and defendant's motion to dismiss counts 3 and 4 of the indictment [Dkt. No. 89] is denied.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: May 31, 2011